

# SENATE BILL No. 144

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 29-1-16-6.

**Synopsis:** Objections to accounting in probate proceedings. Removes the deadline for filing objections to the personal representative's final account. Provides that the date of publication of the notice of the final account must be at least 14 days before the date set for hearing on the final account.

**Effective:** July 1, 1999.

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## Riegsecker

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January 6, 1999, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## SENATE BILL No. 144

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A BILL FOR AN ACT to amend the Indiana Code concerning probate.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 29-1-16-6 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 6. Upon the filing of  
3       any account in a decedent's estate, hearing and notice thereof shall be  
4       had as follows:  
5       (a) If the account is for final settlement, the court or clerk shall set  
6       a date ~~by which all objections to such final account and petition for~~  
7       ~~distribution must be filed in writing for hearing of the final account~~  
8       ~~and petition for distribution~~, and the clerk shall give notice to all  
9       persons entitled to share in the final distribution of said estate that a  
10      final report has been filed and will be acted upon by the court on the  
11      date set unless written objections are presented to the court on or  
12      before that date. Notice shall further be given by one (1) publication in  
13      some newspaper of general circulation, published in the county in  
14      which the administration is pending. The ~~deadline for filing such~~  
15      ~~objections date of publication~~ shall be at least fourteen (14) days prior  
16      to the date set for hearing. ~~and the notice shall state that any objections~~  
17      ~~to such final account and petition for distribution must be filed in~~

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IN 144—LS 6224/DI 92+



1 ~~writing before such date.~~ The personal representative shall, at the time  
2 said account is filed, furnish to the clerk the names and addresses of all  
3 persons entitled to share in the distribution of the residue of said estate,  
4 whose names and addresses are known to the personal representative  
5 or may by reasonable diligence be ascertained as set forth in the  
6 personal representative's petition for distribution, together with  
7 sufficient copies of said notice prepared for mailing. The clerk shall  
8 send a copy of said notice by ordinary mail to each of said parties at  
9 least fourteen (14) days prior to ~~such~~ **the date set for hearing**. Said  
10 parties or their attorney of record may waive the service by mail of this  
11 notice, and where there is an attorney of record, service upon said  
12 attorney shall be sufficient as to the parties represented by said  
13 attorney. Filing for such waivers shall not change the requirement for  
14 notice by publication.

15 (b) If the account is intermediate, but the personal representative has  
16 therein petitioned the court that said account be made final as to the  
17 matters and things reported in said account, the same procedure as to  
18 hearing and notice shall be followed as in the case of a final account.

19 (c) If the account is intermediate and the personal representative  
20 makes no request that said account may be made final as to the matters  
21 and things reported in said account, the court may order such notice as  
22 the court deems necessary or approve the same ex parte and without  
23 notice. Every such intermediate account approved without notice shall  
24 be subject to review by the court at any time and shall not become final  
25 until the personal representative's account in final settlement is  
26 approved by the court.

27 **SECTION 2. [EFFECTIVE JULY 1, 1999] IC 29-1-16-6, as**  
28 **amended by this act, applies to the estate of an individual who dies**  
29 **after June 30, 1999.**

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